

Name: The acquisition of ownership

My dissertation deals with the area of the acquisition of ownership, more precisely acquisition of title. I chose this topic after consulting my supervisor at the beginning of my course in 2010. During the course of my studies, however, a new Civil Code (Act no. 89/2012 Coll.) was adopted and came into effect in January 2014. This therefore presented an opportunity to compare the existing regulations contained in Act no. 40/1964 Coll. (now designated as the old Civil Code) with the new regulation, as well as with other regulations such as Act no. 141/1950 Coll. (designated as the middle Civil Code), the government draft of the Civil Code dating from 1937 which was never adopted due to the developments in the political situation and the General Civil Code which was adopted from the Austrian law known as the ABGB (Allgemeines bürgerliches Gesetzbuch). Some institutions of original acquisition have also been compared with the German BGB (Bürgerliches Gesetzbuch) or the new Russian Civil Code.

The dissertation initially deals with the area of the acquisition of title in general, i.e. the terms possessory title and ownership and their associated institutions, such as limitations to possessory title, the area of possession and the terms main thing, component part of a thing and accessory to a thing.

The dissertation continues by looking at the individual ways of acquiring title, initially with original acquisition of title where there are some new institutions and where the existing ones (according to the Civil Code, Act no. 40/1964 Coll.) have been significantly fleshed out and concretized by the new Act. The next chapter concerns itself with the acquisition of title and the associated issues. It initially concerns itself with the general transfer of ownership rights, what the subject of the transfer is, the abandonment of the two-phase nature of the transfer of title and its replacement with a single-phase transfer, the issues associated with the multiple transfer of the same item, the transfer of real estate and chattels and the associated material publicity of the information in the Land Register. The most typical method of transferring title involves a purchase contract, which is also mentioned, albeit only from the point of view of the aspects associated with the transfer of title and not in relation to any other matters, such as the quality guarantee, for example. Other contract types which are associated with the transfer of title, such as contracts of donation, contracts of barter or contracts for

work done, are not mentioned here, as this is an extensive area which is a subject for other separate dissertations.

This is followed by a brief mention of the acquisition of title on the basis of a decision issued by a public authority body and also acquisition based directly on the law. A further highly extensive area in the acquisition of title involves the issue of inheritance, which is not, however, a subject of this dissertation.

The dissertation's conclusion is mainly dedicated to the final evaluation of the new regulations, which I have arrived at by comparing the new regulation with the previous Civil Code and the older versions of the Civil Code, the Austrian and German Acts and the Russian Code. In general, the conclusion comes out in favour of the new regulation contained in Act no. 89/2012 Coll., albeit with some reservations.

keywords: the acquisition of title, possession, acquisition from an unauthorised party